

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

JEFFREY SPINA,

Defendant,

and

JAMES SPINA, MARK SPINA, JJMJ
REALTY COMPANY, STEVEN J.
HARFENIST, ALLSTATE,¹

Garnishees.

18 CR 625-02 (KMK)

WRIT OF GARNISHMENT

TO: JAMES SPINA
Reg. No. 86089-054
FCI Danbury
Route 37
Danbury, CT 06811

STEVEN J. HARFENIST
Harfenist Kraut & Perlstein, LLP
3000 Marcus Ave., Suite 2e1
Lake Success, NY 11042

ALLSTATE
c/o Hugh C. M. Brady, Esq.
King, Tilden, McEttrick &
Brink, P.C.
350 Granite St. Suite 2204
Braintree, MA 02184

MARK SPINA
153 Wade Road
Liberty, NY 12754

JJMJ REALTY COMPANY
c/o Steven J. Harfenist, Esq.
Harfenist Kraut & Perlstein, LLP
3000 Marcus Ave., Suite 2e1
Lake Success, NY 11042

An Application for Writ of Garnishment seeking property belonging to or due Defendant
JEFFREY SPINA was filed with this Court to secure payment of a claim for a debt to the United

¹ Allstate, one among 27 victims in this case, is named as a garnishee to preserve and secure property in which the defendant has a substantial nonexempt interest via settlement of the related case *Allstate Ins. Co, et al., v. James A. Spina, et al.*, No. 20-CV-1959 (KMK) (S.D.N.Y.), and "Allstate" collectively refers to each plaintiff in that case, namely Allstate Insurance Company, Allstate Property & Casualty Insurance Company, Allstate Fire & Casualty Insurance Company, and Allstate Indemnity Company.

States in this matter. As of September 23, 2022, the amount of the claim for a debt asserted by the United States is \$9,760,555.20.

Pending further order of this Court, you shall withhold and retain all property in which the Defendant has a substantial nonexempt interest and for which you are or may become indebted to the Defendant, excluding earnings. *See* 28 U.S.C. §§ 3104(b)(1) and 3205(c)(2)(F). Property that is exempt and not subject to this Writ is listed in the enclosed Clerk's Notice. Do not deliver the property to the United States District Clerk at this time. Instead, withhold and retain the property until the Court orders its distribution. *Id.*

You are required by law to file an Answer within 10 days of your receipt of this Writ advising the Court whether you hold or will hold substantial nonexempt property for JEFFREY SPINA. If you are represented by counsel who is an Electronic Case Files ("ECF") system user in the Southern District of New York, your attorney may file your Answer electronically in ECF. Otherwise, mail or deliver the original answer to the Clerk of Court, United States District Court for the Southern District of New York, 500 Pearl Street, New York, New York 10007. *See* 28 U.S.C. §§ 3104(b)(1) and 3205(c). A sample Answer Form is enclosed for your convenience.

If you fail to answer this Writ or withhold property in accordance with this Writ, the United States may petition this Court for an order requiring you to appear before this Court to answer this Writ and withhold property before the appearance date. *See* 28 U.S.C. §§ 3104(b)(1) and 3205(c)(6). If you fail to show good cause why you failed to comply with this Writ, the Court shall enter a judgment against you for the value of the substantial nonexempt property that should have been withheld and/or award a reasonable attorney's fee to the United States. *Id.*

Signed this 28th day of September, 2022.


UNITED STATES DISTRICT JUDGE